

**IN THE COURT OF COMMON PLEAS
DIVISION OF PROBATE
LAKE COUNTY, OHIO**

IN RE:)	
)	DOCKET 8 PAGE 314
LOCAL RULE 71.2)	
)	<u>JUDGMENT ENTRY</u>
)	

Pursuant to Sup.R. 75 and for good cause shown, to-wit: The expeditious, orderly and fair operation of the court, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Local Rule 71.2 of the Rules of Probate Court of Lake County, Ohio, adopted May 7, 2007, is repealed and replaced with the following amendment:

Rule 71.2. Ordinary Fees.

The schedules of compensation set forth below shall serve as a guide in determining the fees to be charged to the estate for legal services of an ordinary nature rendered as counsel for the executor or administrator in the complete administration of a decedent's estate. Such schedules, however, are not to be considered as schedules of minimum or maximum fees to be charged. See Sup.R. 71. Further, if by reason of the application of such percentages to values of assets or to amounts of income, a disparity or injustice results, such disparity or injustice may be reviewed either on the court's own motion with respect to any account reflecting such compensation or upon exceptions to such an account. The court will review attorney fees based on the factors set forth in Rule 1.5 of the Ohio Rules of Professional Conduct. The attorney may receive for his or her fee a percentage of the estate in conformity with the following schedules:

- (A) On the appraised value of personal property included in the inventory, unless sold, then on the amount of the gross proceeds from the sale of such personal

property, on the gross proceeds from the sale of real estate whether made under a power stated in the Will or by land sale proceedings, on estate income for which the fiduciary accounts and on money actually advanced to pay debts or legacies:

4.0% on the first \$100,000

3.0% on the next \$300,000

2.0% on the balance

On the gross proceeds of real estate sold in a land sale proceeding:

2%

(B) Transfer of real property by application, court order and certificate of transfer, to the heirs:

1% of the value of the real property

(C) On the gross amount of money paid for real estate by the surviving spouse, purchasing at appraised value:

2%

(D) Completion of a land contract but not on any uncompleted contract of sale made by the decedent:

2%

(E) Legal services provided for administering nonprobate assets of the estate:

1%

When due to special circumstances, the fees previously described will not result in fair and reasonable compensation, the court requires an application for allowance of extraordinary compensation.

If the attorney or member of the attorney's firm is the fiduciary, a hearing may be scheduled in which the attorney must demonstrate that the

fees were provided in the capacity as attorney rather than executor, and that those fees are reasonable.

IT IS SO ORDERED.

JUDGE TED KLAMMER